



## Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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### FINAL MINUTES FOR REGULAR SESSION MEETING

Held on Wednesday, June 3, 2015

9535 E. Doubletree Ranch Road • Scottsdale, Arizona

#### *Board Members*

Richard T. Perry, M.D., Chair  
James M. Gillard, M.S., M.D., F.A.C.E.P., F.A.A.E.M., Vice-Chair  
Jodi A. Bain, Esq., Secretary  
Marc D. Berg, M.D.  
Donna S. Brister  
R. Screven Farmer, M.D.  
Gary R. Figge, M.D.  
Robert E. Fromm, M.D., M.P.H.  
Paul S. Gerding, Esq.  
Lois E. Krahn, M.D.  
Edward G. Paul, M.D.  
Wanda J. Salter, RN

#### GENERAL BUSINESS

##### A. CALL TO ORDER

Dr. Perry called the meeting to order at 8:00 a.m.

##### B. ROLL CALL

The following Board members were present: Ms. Bain, Ms. Brister, Dr. Farmer, Dr. Figge, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Krahn, Dr. Paul, and Dr. Perry. The following Board members were absent: Dr. Berg and Ms. Salter.

##### ALSO PRESENT

Present among Board staff include: Christopher Munns, Assistant Attorney General ("AAG"), Solicitor General's Office; Marc Harris, AAG; Carrie Smith, AAG; Patricia E. McSorley, Executive Director; William Wolf, M.D., Chief Medical Consultant; Anita Shepherd, Investigations Office Manager; Mary Bober, Board Operations Manager; Twana Fairbourn, Licensing Office Manager; and Andrea Cisneros, Staff Investigational Review Committee ("SIRC") Coordinator.

##### C. CALL TO THE PUBLIC

Dr. Robert Schulte addressed the Board regarding a potential conflict with the Board's Physician Health Program ("PHP"). All other individuals that spoke during the call to the public appear beneath the matter(s) referenced.

##### D. EXECUTIVE DIRECTOR'S REPORT

Ms. McSorley presented her report to the Board. She reported that the number of licenses being issued had increased and that there has been an improvement in the turnaround time to issuing the licenses. She noted that the Licensing Department had been working with the Governor's transformation team on a LEAN project and that they were currently looking at different ways to speed up the licensing process while remaining compliant with rules and regulations.

##### E. CHAIR'S REPORT

- Update Regarding Biannual Joint Arizona Medical Board ("AMB") and Arizona Regulatory Board of Physicians Assistants ("ARBoPA") Officers Meeting

Dr. Perry reported that staff was in the process of scheduling the required Biannual Joint Officers Meeting.

- Update Regarding Board Offsite Meeting  
Dr. Perry noted that the Offsite Meeting agenda will include items that will address ways to improve the licensing and adjudication processes.

## **F. LEGAL ADVISOR'S REPORT**

- 2015 Legislative Update (SB 1370, HB 2086, HB 2212, HB 2213, HB 2297, HB 2526)  
AAG Smith updated the Board regarding the following items:

### **SB1370:**

This bill adds a new statute to title 32 (A.R.S. § 32-3219), that will require medical practitioner regulatory boards to inform applicants and licensees that, if they are going to have a DEA registration, they will need inform the Arizona Pharmacy Board know. In addition, the Board must make monthly notifications to the Pharmacy Board of the number of applicants who intend on applying for a DEA registration. AAG Smith reported that Ms. McSorley would be working with the new Executive Director of the Pharmacy Board to figure out what information and in what format they will be expecting to receive the required information. She commented that this bill will help the Pharmacy Board enforce laws that are already in place by asking agencies to inform their licensees and applicants of those statutes and rules.

### **HB2086:**

This bill adds statute A.R.S. § 32-1978 which makes it a crime to sell to a minor dextromethorphan without a prescription.

### **HB 2212:**

AAG Smith reported that this bill relates to licensing decisions, in that the board and or the agency cannot base licensing decisions on a requirement that is not set out in statute or rule. This bill provides rights to the applicant, specifically giving them the ability to sue the agency that makes a decision that is not based on statute or rule. She informed the Board that the new statutes will need to be affixed to every application for licensure and that this becomes effective July 3.

### **HB2213:**

This bill pertains to the small business Bill of Rights. This bill now requires the agency to identify themselves to the person who is interviewed during the inspection or audit and that they have a right to have an attorney present and the right to exercise that privilege cannot be viewed as a negative or anyway interfering with the investigation. She reported that the AG's office will work with the investigations department to ensure that as of July 3, all forms are compliant with the new laws

### **HB 2297:**

A.R.S § 41-1038 prohibits any state agency from adopting any new rule that would increase existing regulatory restraints and burdens on regulated persons. AAG Smith noted that the AG's office is monitoring the situation for any issues that may arise regarding this executive order and how it relates to the passing of new legislation.

### **HB2526:**

This bill amends ARS § 38-3291 to clarify the definition of Board member vacancy to include the removal of a board member by the appointing power before the expiration of their term.

- Legal Advice Regarding Board Review of Look Back Results

## **G. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING ONE YEAR CONTRACT RENEWAL FOR LEGISLATIVE LIAISON**

Ms. McSorley updated the Board regarding the request for a one-year contract renewal for the Board's legislative liaison.

**MOTION: Dr. Farmer moved to renew the legislative liaison's contract.**

**SECOND: Dr. Gillard**

**VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

**H. UPDATE, DISCUSSION AND POSSIBLE ACTION REGARDING THE PROGRESS OF THE LICENSING LOOK BACK BEING CONDUCTED BY THE GREATER ARIZONA CENTRAL CREDENTIALING PROGRAM ("GACCP")**

Ms. McSorley reported to the Board that staff requested the intervention in the state procurement office to aid with the enforcement of the GACCP contract. Ms. McSorley updated the Board that GACCP had completed a total of 767 files, and had a total of 2,316 files remaining to be completed.

**MOTION:** Dr. Perry moved for the Board to enter into executive session pursuant to A.R.S. § 38 431.03(A)(3).

**SECOND:** Dr. Gillard

**VOTE:** 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

The Board entered into Executive Session at 5:39 p.m.

The Board returned to Open Session at 6:26 p.m.

No legal action was taken by the Board during Executive Session.

**MOTION:** Dr. Fromm moved for the Board to direct Ms. McSorley to correspond with GACCP to express the Board's concerns regarding whether the terms of the contract will be met, to offer resources of the Agency to aid GACCP in successfully completing the terms of the contract timely, and to continue to supply GACCP with all the information needed for completion.

**SECOND:** Dr. Farmer

**VOTE:** 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

**I. DISCUSSION AND POSSIBLE ACTION REGARDING FUTURE LEGISLATIVE AGENDA AND CONSIDERATION OF AMENDMENTS TO LICENSING STATUTES, RULES AND REQUIREMENTS TO IMPROVE PROCESSES**

Ms. Bain updated the Board regarding this item. She noted that more information will be available for the Board's Offsite meeting.

**J. DISCUSSION AND POSSIBLE ACTION REGARDING JOINT LEGISLATION AND RULES COMMITTEE ("JLRC")**

Ms. Bain presented to the Board regarding the following items:

- Board Member Appointment(s) for Committee Vacancies  
AAG Harris reported to the Board that there were two vacant positions on the JLRC and noted that the Board could appoint new members at this time.

**MOTION:** Ms. Bain moved to add Dr. Farmer and Dr. Fromm to the JLRC.

**SECOND:** Dr. Gillard

**VOTE:** 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent

**MOTION PASSED.**

- Possible Board Direction Regarding Upcoming Committee Activities  
Ms. Bain noted that a telephonic meeting would be scheduled in the near future for the JLRC to meet.

**K. REVIEW, DISCUSSION AND CONSIDERATION OF 5 YEAR REVIEW OF ARIZONA ADMINISTRATIVE CODE TITLE 4 PROFESSIONS AND OCCUPATIONS, CHAPTER 16 ARIZONA MEDICAL BOARD ARTICLE 3 AND ARTICLE 6**

## **L. UPDATE AND POSSIBLE DISCUSSION REGARDING THE ADMINISTRATION SUBCOMMITTEE**

Ms. Bain presented to the Board regarding the following item:

- **Synopsis of 2015 Mid-Year Calendar Update**  
Ms. Bain reported that an update of each department and suggested staffing adjustments were provided to the Administration Subcommittee at their meeting that was held the previous evening. She explained that additional funds were being requested to replace temporary employees with full-time employees so as not to increase the overall number of staff. Ms. Bain reported to the Board that the Administration Subcommittee members voted to recommend to the Board that is holding off month meeting to discuss licensing issues as necessary. She also reported that the committee recommended that the Board establish a standing licensing committee to assist in moving this process forward.

## **M. APPROVAL OF MINUTES**

**MOTION:** Dr. Farmer moved to approve the April 1, 2015 Executive Session.

**SECOND:** Dr. Fromm

**VOTE:** 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent

**MOTION PASSED.**

**MOTION:** Dr. Farmer moved to approve the April 30, 2015 Special Teleconference, including Executive Session.

**SECOND:** Dr. Paul

**VOTE:** 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent

**MOTION PASSED.**

## **LEGAL MATTERS**

### **N. CONSIDERATION OF AND VOTE ON PROPOSED BOARD ORDER ARISING FROM ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION**

#### **1. MD-14-1593A, ROBERT W. SOMMER, M.D., LIC. #31443**

Dr. Sommer was not present during the Board's consideration of this case. AAG Smith was present on behalf of the State, and requested that the Board adopt the proposed Findings of Fact, Conclusions of Law and Order as recommended by the ALJ, as well as the draft Board Order arising from that decision.

**MOTION:** Dr. Farmer moved to adopt and approve the proposed Findings of Fact, Conclusions of Law and Order as recommended by the ALJ, and the draft Board Order.

**SECOND:** Dr. Fromm

Dr. Gillard stated that in reviewing Dr. Sommer's history as a practicing physician, he served a very prestigious career. Dr. Gillard recognized that this matter stemmed from a complaint that was filed alleging loss of driving privileges and memory problems. Dr. Gillard added that he believed the interim summary suspension of Dr. Sommer's medical license was non-disciplinary in nature as it related to concerns regarding the physician's health issues.

**ROLL CALL VOTE:** Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Ms. Brister, Dr. Farmer, Dr. Figge, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Krahn, Dr. Paul, and Dr. Perry. The following Board members were absent: Dr. Berg and Ms. Salter.

**VOTE:** 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

#### **2. MD-13-1430A, WALEED N. MANSOUR, M.D., LIC. #31749**

Dr. Mansour was not present during the Board's consideration of this matter. AAG Mary D. Williams was present on behalf of the State and requested that the Board adopt the ALJ's recommendation decision as well as the Board Order arising from that decision.

**MOTION:** Dr. Fromm moved to accept the ALJ's proposed Findings of Fact, Conclusions of Law and Order, and the Board Order.

**SECOND:** Dr. Paul

**ROLL CALL VOTE:** Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Ms. Brister, Dr. Farmer, Dr. Figge, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Krahn, Dr. Paul, and Dr. Perry. The following Board members were absent: Dr. Berg and Ms. Salter.

**VOTE:** 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

## **O. RESCIND REFERRAL TO FORMAL HEARING AND ACCEPT PROPOSED CONSENT AGREEMENT**

### **1. MD-14-0757A, SAMUEL W. GEHRING, M.D., LIC. #14691**

Dr. Gehring was not present during the Board's consideration of this matter. AAG Smith was present on behalf of the State and requested that the board accept the negotiated proposed consent agreement.

**MOTION:** Ms. Bain moved to rescind referral the Formal Hearing and accept the proposed Consent Agreement for a Letter of Reprimand and Probation for a period of time equal to the length of time remaining on the Second Agreed Order. Dr. Gehring shall remain compliant with the Second Agreed Order at all times and is prohibited from prescribing controlled substances in Arizona until termination of this Order. Prior to the termination of Probation, Dr. Gehring must submit a written request to the Board for release from the terms of the Order.

**SECOND:** Dr. Gillard

**ROLL CALL VOTE:** Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Ms. Brister, Dr. Farmer, Dr. Figge, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Krahn, Dr. Paul, and Dr. Perry. The following Board members were absent: Dr. Berg and Ms. Salter.

**VOTE:** 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

### **2. MD-14-0520A, RODNEY S. IANCOVICI, M.D., LIC. #28530**

Dr. Iancovici was not present during the Board's consideration of this matter. AAG Froedge was present on behalf of the State. She noted that this case involved various inappropriate prescribing issues and that the matter was set for a Formal Hearing. AAG Froedge reported that Dr. Iancovici has requested to surrender his license and asked that the Board accept the proposed Consent Agreement for surrender of licensure.

**MOTION:** Ms. Bain moved to accept the proposed Consent Agreement for surrender of licensure.

**SECOND:** Dr. Farmer

**ROLL CALL VOTE:** Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Ms. Brister, Dr. Farmer, Dr. Figge, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Krahn, Dr. Paul, and Dr. Perry. The following Board members were absent: Dr. Berg and Ms. Salter.

**VOTE:** 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

## **P. MOTION FOR REHEARING/REVIEW AND CONSIDERATION OF PROPOSED CONSENT AGREEMENT**

### **1. MD-14-1608A, GEORGE F. GWINN, M.D., LIC. #25811**

Dr. Fromm was recused from this case. Dr. Gwinn was present with legal counsel, Ms. Christine Cassetta. AAG Smith was present on behalf of the State. Ms. Cassetta explained to the Board that Dr. Gwinn did not knowingly refuse to comply with the Board's Order. She reported that Dr. Gwinn had undergone the recommended evaluation on June 2, and has become compliant with the recommendations. Ms. Cusseta requested that the Board accept the proposed Consent Agreement or change the previous action to a Stayed Suspension.

AAG Smith noted that the State respectfully asserts that the penalty was appropriate at the time and whether Dr. Gwinn is in compliance at this time is within the Board's discretion.

**MOTION: Dr. Gillard moved to accept the proposed Consent Agreement for Stayed Revocation and Five Year Probation. Dr. Gwinn shall not practice any form of medicine until receiving permission from the Board to do so.**

**SECOND: Ms. Bain**

AAG Smith informed the Board of another issue that arose during the period of noncompliance in that several complaints were received regarding medical records requests from patients that were not responded to by the Respondent. She noted that part of the Probation in the proposed Consent Agreement is that Dr. Gwinn satisfies those requests prior to requesting the Board lift that restriction. Ms. Bain expressed concern with the lack of clarity in the proposed Consent Agreement on whether or not monitoring would be required. AAG Smith noted that the Board could table this matter until the next meeting at which time a final evaluation report should be available. Mr. Gerding spoke in favor of tabling this matter to the next meeting. Ms. Bain went through her second of the motion and was in favor of tabling this matter to the next meeting.

**MOTION: Dr. Gillard moved to accept the proposed Consent Agreement for Stayed Revocation and Five Year Probation. Dr. Gwinn shall not practice any form of medicine until receiving permission from the Board to do so.**

**SECOND: Dr. Perry**

**ROLL CALL: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Gillard and Dr. Perry.**

**The following Board members voted against the motion: Ms. Bain, Ms. Brister, Mr. Gerding, Dr. Farmer, Dr. Figge, Dr. Krahn, and Dr. Paul. The following Board member was recused: Dr. Fromm. The following Board members were absent: Dr. Berg and Ms. Salter.**

**VOTE: 2-yay, 7-nay, 0-abstain, 1-recuse, 2-absent**

**MOTION FAILED.**

**MOTION: Dr. Perry moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(2) and (3).**

**SECOND: Dr. Gillard**

**VOTE: 9-yay, 0-nay, 0-abstain, 1-recuse, 2-absent**

**MOTION PASSED.**

The Board entered into Executive Session at 8:30 a.m.

The Board returned to open session at 8:39 a.m.

No legal action was taken by the Board during Executive Session.

**MOTION: Dr. Farmer moved to grant the motion for rehearing at the request of the parties and to accept the proposed Consent Agreement for Stayed Revocation and Five Year Probation. Dr. Gwinn shall not practice any form of medicine until receiving permission from the Board to do so.**

**SECOND: Dr. Gillard**

**ROLL CALL: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Ms. Brister, Dr. Farmer, Dr. Figge, Dr. Gillard, Dr. Krahn, Dr. Paul, and Dr. Perry. The following Board members voted against the motion: Mr. Gerding. The following Board member was recused: Dr. Fromm**

**The following Board members were absent: Dr. Berg and Ms. Salter.**

**VOTE: 8-yay, 1-nay, 0-abstain, 1-recuse, 2-absent**

**MOTION PASSED.**

## **Q. STAFF REQUEST FOR FURTHER ACTION**

### **CONSIDERATION OF AND VOTE ON PROPOSED CONSENT AGREEMENT**

1. MD-12-1050A, KULBHUSHAN K. SHARMA, M.D., LIC. #22286

Attorneys Paul Giancola and Steven Perlmutter, M.D. were present on behalf of Dr. Sharma. AAG Smith was present on behalf of the State. AAG Smith noted that the Board received a supplemental report regarding the monitoring occurring under the current Board Order and that there was a proposed signed Consent Agreement for a Letter of Reprimand provided for the Board's consideration. Mr. Giancola explained that the Practice Restriction in the October 10, 2014 Order stated that breast cosmetic surgery procedures shall be limited; however, the Order did not define compounding conditions. He also noted that he was unable to get clarification from Board staff regarding what those compounding conditions were. Mr. Giancola reported that Dr. Sharma had a plastic surgeon review his records and noted that in the window of time until the practice monitor had started, he had performed three procedures that may have been compounding conditions. Dr. Perlmutter stated that due to Dr. Sharma not knowing what he could or could not do he has refrained from performing any type of breast surgery. He requested that the Board accept the signed proposed Consent Agreement for a Letter of Reprimand. Board members reviewed the Consent Agreement during their deliberation. Dr. Fromm opined that the previous Board Order was clear regarding the procedures that Dr. Sharma was restricted from performing.

**MOTION: Ms. Bain moved to accept the proposed Consent Agreement for a Letter of Reprimand.**

**SECOND: Dr. Perry**

**ROLL CALL: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Ms. Brister, Dr. Farmer, Dr. Figge, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Krahn, Dr. Paul, and Dr. Perry. The following Board members were absent: Dr. Berg and Ms. Salter**

**VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent**

**MOTION PASSED**

## **R. FORMAL INTERVIEWS**

**1. MD-14-1693A, JOSEPH MOZA, M.D., LIC. #N/A**

Dr. Moza was present without legal counsel. Board staff summarized that over the years he has contended with issues regarding his privileges at three separate hospitals in California on five separate occasions. Several issues have been reviewed by other state Boards with no action taken. Dr. Moza stated he previously held an Arizona license that he let lapse and that he would be honored to receive licensure again. Ms. Bain questioned Board staff regarding Dr. Moza's previous Arizona license and whether there had been any issues while his license was active. Dr. Wolf informed the board that Dr. Moza held an unrestricted license between 2006 and 2012 and that there had been no issues during that time. Dr. Perry stated that he found no issues with granting Dr. Moza an Arizona license.

**MOTION: Dr. Gillard moved to grant the license.**

**SECOND: Dr. Fromm**

**ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Ms. Brister, Dr. Farmer, Dr. Figge, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Krahn, Dr. Paul, and Dr. Perry. The following Board members were absent: Dr. Berg and Ms. Salter.**

**VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

**2. MD-12-1231A, DANIEL J. PARA, M.D., LIC. #22450**

Dr. Perry stated that he knows Dr. Para, but it would not affect his ability to adjudicate the case. Dr. Para was present with legal counsel, Jay Fradkin. Mr. Fradkin explained that Dr. Para's involvement in this case was due to him answering a call from a hospitalist 12 hours after the patient was admitted to the ER and he was asked for a surgical consultation. Mr. Fradkin noted that based on the information that was relayed to Dr. Para at that time, he did not agree to accept the patient but discussed in length with the hospitalist regarding transferring the patient to a higher level of care. He stated that the hospitalist was unsuccessful at transferring the patient at which time he agreed to see the patient even though he was not legally obligated to do so. He commented that Dr. Para

did everything he could reasonably have done and that Dr. Para was under the impression that the patient was to be transferred and therefore, would not have been there in the morning. Board staff reported that the Medical Consultant ("MC") found that Dr. Para deviated from the standard of care due to the great difficulty of getting a hold of him and for refusing to perform a timely surgical consultation.

Dr. Para indicated that he was involved in a contractual relationship with the hospital at the time of the occurrence. He noted that his only contractual obligation was to provide emergency room services at his discretion. Dr. Para expressed frustration regarding this case in that he was not called to participate in the patient's care in a timely manner by the hospitalist. Dr. Perry commented that he found it extremely unusual that a patient that ill could not be transferred to a higher level of care and opined that it could have been due to a systems error. Dr. Farmer observed that six different hospitals were contacted and refuse the transfer for various reasons.

In closing, Mr. Franken stated that Dr. Para was put in an impossible position and handled it as best as he could and made a reasonable recommendation to the hospitalist. He noted Dr. Para's clean record with the Board and commented that appropriate resolution of this case would be dismissal.

Dr. Farmer commented that he found no clear and convincing evidence to support a violation of A.R.S. § 32-1401(27)(II). He observed that there was documentation that supported many attempts were made at contacting Dr. Para and questioned whether a response was made in a timely manner. Board members agreed that there were no attempts made to contact Dr. Para until the patient had already began to deteriorate. Dr. Farmer opined there was also no clear and convincing standard to support a violation of A.R.S. § 32-1401(27)(q).

**MOTION: Dr. Farmer moved for dismissal.**

**SECOND: Dr. Paul**

Board members noted that Dr. Para elected to accept a patient in this complex situation and agreed that it was a hospital systems issue.

**ROLL CALL: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Brister, Dr. Farmer, Dr. Figge, Dr. Fromm, Dr. Gillard, Dr. Paul, and Dr. Perry. The following Board members voted against the motion: Ms. Bain, Mr. Gerding, and Dr. Krahn. The following Board members were absent: Dr. Berg and Ms. Salter.**

**VOTE: 7-yay, 3-nay, 0-abstain, 0-recuse, 2-absent**

**MOTION PASSED.**

**3. MD-14-0530A, DASHANT S. KAVATHIA, M.D., LIC. #44816**

Dr. Kavathia was present with legal counsel, Cal Raup. Board staff reported that the MC found that Dr. Kavathia deviated from the standard of care by being unaware that a patient was taking Plavix, and for performing elective trans bronchial biopsy on a patient taking Plavix. Dr. Kavathia noted he is specialized in pulmonary critical care and is triple board certified in internal medicine. He acknowledged he committed an error by not reviewing the patient's medications. Dr. Paul questioned whether the medication was listed in an unusual manner in the medical records. Dr. Kavathia stated that the documentation regarding the medication was listed in the medical records and that it was an honest mistake that he overlooked. Mr. Raup stated that Dr. Kavathia did everything right after seeing the error and that he took full responsibility for it. He reported that Dr. Kavathia has received over 60 hours of CME relevant to this particular clinical scenario and requested that the Board issue an Advisory Letter.

Dr. Gillard stated that he found it mitigating that Dr. Kavathia realized his error and recognized that he has taken many steps to prevent the situation from happening in the future. He commented that he did find that Dr. Kavathia committed unprofessional conduct.



**MOTION: Dr. Gillard moved for a finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(q) - Any conduct that is or might be harmful or dangerous to the health of the patient or the public.**

**SECOND: Ms. Bain**

**ROLL CALL: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Ms. Brister, Dr. Farmer, Dr. Figge, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Krahn, Dr. Paul, and Dr. Perry. The following Board members were absent: Dr. Berg and Ms. Salter.**

**VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

**MOTION: Dr. Gillard moved to issue an Advisory Letter for failure to review the patient's medications prior to performing the procedure.**

**SECOND: Dr. Farmer**

**ROLL CALL: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Ms. Brister, Dr. Farmer, Dr. Figge, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Krahn, Dr. Paul, and Dr. Perry. The following Board members were absent: Dr. Berg and Ms. Salter.**

**VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

## **S. FORMAL INTERVIEWS**

1. MD-14-0957B, ARTHUR T. WOLFF, M.D., LIC. #43894

Dr. Perry announced that this matter had been pulled from the Board's agenda due to a request for continuance received by the licensee.

2. MD-14-0110A, ROB F. SCHUSTER, M.D., LIC. #35558

Dr. Perry was recused from this case. Dr. Schuster was present with legal counsel, Steve Myers. Board staff summarized that Dr. Schuster admitted to using other physicians' DEA numbers to obtain medications for himself without their consent. Board staff reported that Dr. Schuster completed a PHP assessment and it was recommended that he participate in PHP for two years. Subsequently, Dr. Schuster admitted to alcohol use in violation of the interim agreement for PHP and underwent a 30 day treatment program. Board staff reported that Dr. Schuster engaged in unprofessional conduct by violating the PHP order by consuming alcohol and for failing to disclose and produce a copy of the Interim Consent Agreement when filing for hospital privileges. Board staff stated that SIRC found it aggravating that Dr. Schuster failed to notify the hospital that he was subject to monitoring and that the failure occurred after completion of his 30 day treatment program. Dr. Sucher opined that Dr. Schuster is safe to practice and should continue monitoring as recommended by SIRC.

Mr. Myers stated that there was not a violation of the Board's Interim Consent Agreement with respect to not disclosing the Consent Agreement to the hospital. He noted that Dr. Schuster's has made improvements in his personal life as well as in his workplace. Mr. Myers commented that neither he nor Dr. Schuster questions the recommendation for discipline but in light of Dr. Schuster's prior unblemished record, they disagree with the level of a Decree of Censure and asked that a Letter of Reprimand be issued. Board staff pointed out that there were no concerns that arose regarding patient care in this matter. Ms. Bain stated that based on the record and the testimony of Dr. Schuster there are instances of unprofessional conduct.

**MOTION: Ms. Bain moved for a finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(g) - Using controlled substances except if prescribed by another physician for use during a prescribed course of treatment; A.R.S. § 32-1401(27)(j) - Prescribing, dispensing or administering any controlled substance or prescription-only drug for other than accepted therapeutic purposes; A.R.S. § 32-1401(27)(r) - Violating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under the provisions of this chapter; and A.R.S. § 32-1401(27)(t) - Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of medicine or**

if applying for privileges or renewing an application for privileges at a health care institution.

**SECOND: Dr. Farmer**

**VOTE: 9-yay, 0-nay, 0-abstain, 1-recuse, 2-absent.**

**MOTION PASSED.**

Board members questioned whether there was a mechanism to monitor a physician for two years without attaching Probation to it. AAG Harris clarified that in order to monitor a physician a Probation Order would be required.

**MOTION: Dr. Farmer moved for a draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand and Two Year Probation to participate in PHP. Dr. Schuster's PHP participation shall be retroactive to July 19, 2014. Dr. Schuster shall be assessed a civil penalty in the amount of \$5000, to be paid within 30 days from the date of invoice. Once the licensee is complied with the Probation, he must affirmatively request that the Board terminate the probation.**

**SECOND: Ms. Bain**

Board members discussed that the recommended Decree of Censure would affect Dr. Schuster's insurance, and impede on his ability to rebuild his practice. Dr. Fromm noted that Dr. Schuster fraudulently wrote prescriptions and expressed concern that he had violated his Interim Consent Agreement. Dr. Fromm requested a civil penalty be added.

**ROLL CALL: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Ms. Brister, Dr. Farmer, Dr. Figge, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Krahn, and Dr. Paul. The following Board member was recused: Dr. Perry. The following Board members were absent: Dr. Berg and Ms. Salter.**

**VOTE: 9-yay, 0-nay, 0-abstain, 1-recuse, 2-absent**

**MOTION PASSED.**

**3. MD-14-0019A, MARK G. WEBB, M.D., LIC. #19868**

Dr. Webb was present with legal counsel, Steve Myers. Board staff summarized that the MC found that Dr. Webb deviated from the standard of care regarding inappropriate prescribing. Board staff noted that there were concerns regarding medical records as well. Dr. Webb stated that he recognizes he needs a pain management monitoring policy in place at his practice. He noted that he had made changes to his practice after attending the PACE prescribing and medical recordkeeping courses.

Dr. Paul recognized that Dr. Webb has discharged patients from his practice for breaking his offices controlled substances policy. Dr. Farmer expressed concern that there is no evidence for workup for a lot of the problems and opined that it is not just a prescribing issue at hand. Mr. Myers reported that Dr. Webb has obtained a number of CME hours and requested that the Board take non-disciplinary action in this matter.

**MOTION: Dr. Paul moved for a finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(e) - Failing or refusing to maintain adequate records on a patient; and A.R.S. § 32-1401(27)(q) - Any conduct that is or might be harmful or dangerous to the health of the patient or the public.**

**SECOND: Dr. Fromm**

**VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

Dr. Paul expressed concern regarding the knowledge base of a physician who is board certified internal medicine physician and pediatrics as it relates to prescribing benzodiazepines and narcotic medications. He spoke in favor of issuing the physician a disciplinary order as recommended by SIRC.

**MOTION: Dr. Paul moved for a draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand and Probation. Dr. Webb shall be subject to two chart reviews over the course of one year. The charts to be reviewed shall be dated**

after the completion dates of CME in prescribing and recordkeeping. Once the licensee has complied with the Probation, he must affirmatively request that the Board terminate the Probation.

**SECOND: Dr. Farmer**

Dr. Gillard spoke against the motion, noting that Dr. Webb has taken remedial action to address the Board's concerns. Dr. Farmer commended Dr. Webb for obtaining additional CME and updating his knowledge in terms of prescribing and recordkeeping; however, he stated that he believes the matter rises to the level of discipline and supported SIRC's recommendation for a disciplinary order.

**ROLL CALL VOTE:** Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Ms. Brister, Dr. Farmer, Dr. Figge, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Krahn, Dr. Paul, and Dr. Perry. The following Board members were absent: Dr. Berg and Ms. Salter.

**VOTE:** 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

## **CONSENT AGENDA**

### **T. CASES RECOMMENDED FOR DISMISSAL**

**MOTION:** Ms. Bain moved to dismiss items 1-10 and 12.

**SECOND:** Dr. Gillard

**VOTE:** 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

1. MD-14-0957A, SOYOUNG PARK, M.D., LIC. #R73284  
**RESOLUTION:** Dismiss.

2. MD-14-1425A, STEFANIE J. SCHLUENDER, M.D., LIC. #35958  
**RESOLUTION:** Dismiss.

3. MD-14-1102A, CHRISTINE D. GRAHAM, M.D., LIC. #41222  
**RESOLUTION:** Dismiss.

4. MD-14-1102B, MICHAEL F. KARADSHEH, M.D., LIC. #33290  
**RESOLUTION:** Dismiss.

5. MD-14-1098A, PALLAVI D. PUROHIT, M.D., LIC. #34675  
**RESOLUTION:** Dismiss.

6. MD-13-1157A, JOEL R. GOODE, M.D., LIC. #28515  
**RESOLUTION:** Dismiss.

7. MD-14-0808A, RAFATH U. BAIG, M.D., LIC. #42500  
**RESOLUTION:** Dismiss.

8. MD-14-0295A, JONATHAN R. WALKER, M.D., LIC. #31479  
Dr. Walker addressed the Board during the call to the public.

**RESOLUTION:** Dismiss.

9. MD-14-0295B, ALEXANDER W. JULE, M.D., LIC. #R74179  
Dr. Walker addressed the Board during the call to the public on behalf of Dr. Jule. Dr. Jule also addressed the Board during the call to the public.

**RESOLUTION:** Dismiss.

10. MD-13-1347A, ATUL P. LALANI, M.D., LIC. #33131  
**RESOLUTION:** Dismiss.

11. MD-13-1460B, WILLIAM D. LEIGHTON, M.D., LIC. #12814

Dr. Perry was recused from this case. Complainant AA addressed the Board during the call to the public. DB also addressed the Board during the call to the public on behalf of the complainant party.

Ms. Bain questioned whether there was a deviation from the standard of care in this case. Dr. Wolf reported that the MC found no deviation from the standard of care other than a minor records issue that was reviewed by SIRC and it was determined that it did not rise to the level of Board sanction. Ms. Bain commented that based on information in the case file there was no violation and therefore recommended dismissal.

**MOTION: Ms. Bain moved for dismissal.**

**SECOND: Dr. Figge**

**VOTE: 9-yay, 0-nay, 0-abstain, 1-recuse, 2-absent.**

**MOTION PASSED.**

12. MD-14-1531A, ROBERT D. SCHULTE, M.D., LIC. #23206

**RESOLUTION: Dismiss.**

**U. CASES RECOMMENDED FOR ADVISORY LETTERS**

**MOTION: Dr. Perry moved to issue an Advisory Letter in item numbers 1, 3, 4, 5, 7, 10, 11, 12, 13, 14, and 15.**

**SECOND: Dr. Gillard**

**VOTE: 0-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED/FAILED.**

1. MD-14-0110B, STEPHANIE C. BYRUM, M.D., LIC. #36849

Dr. Perry was recused from this case.

**RESOLUTION: Issue an Advisory Letter for prescribing a prescription medication without first conducting a physical examination, and for inadequate medical records.**

2. MD-13-1264A, ROSEMARY S. BROWNE, M.D., LIC. #21381

Dr. Gillard noted that the patient self-reported using large amounts of opiates and that she had access to Dr. Browne's computer allowing her to fill prescriptions through electronic prescription writing. Dr. Gillard agreed with the recommended Advisory Letter.

**MOTION: Dr. Gillard moved to issue an Advisory Letter for failure to control access to her computer and for inadequate documentation. There is insufficient evidence to support disciplinary action.**

**SECOND: Ms. Bain**

**VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

3. MD-14-0085A, FADI ATASSI, M.D., LIC. #44211

**RESOLUTION: Issue an Advisory Letter for failure to perform a proper evaluation in a symptomatic patient following pacemaker placement. There is insufficient evidence to support disciplinary action.**

4. MD-14-0648A, TRENT H. SMITH, M.D., LIC. #36091

Dr. Perry was recused from this case.

**RESOLUTION: Advisory Letter for delay in reporting results of a diagnostic study to a patient. There is insufficient evidence to support disciplinary action.**

5. MD-14-0634A, MATTHEW L. HANSEN, M.D., LIC. #35613

Attorney Katherine Corcoran addressed the Board during the call to the public. Complainant SV also spoke during the call to the public.

**RESOLUTION: Issue an Advisory Letter for incorrect interpretation of postoperative x-rays. There is insufficient evidence to support disciplinary action.**

6. MD-13-1422B, CHARLENE SHAUGHNESSY-VOLQUARDSSEN, M.D., LIC. #44873  
Complainant IF addressed the Board during the call to the public. KF also addressed the Board during the call to the public on behalf of the complainant party.

Dr. Gillard observed that this was a tragic case of a 12 year old that died with a positive blood culture. He noted that Dr. Shaughnessy-Volquardsen was not the initial physician who treated the patient in the ER. Dr. Gillard opined that the positive blood culture was not the cause of death, but that it was due to the overwhelming, very rare, fungal infection. He noted that Dr. Shaughnessy-Volquardsen attempted to contact the patient's parents when she noticed the positive blood cultures, but that the numbers were not in service and she then decided to send a letter. Board members questioned and discussed what lengths a physician should go through to deliver the results of blood cultures.

**MOTION: Dr. Gillard moved for dismissal.**

**SECOND: Dr. Fromm**

Board members recognized the tragic outcome of this matter. Board members questioned whether having the results relayed sooner and the child started on antibiotics would have made a difference in the outcome. Dr. Perry spoke against the motion and commented that the staff did have an obligation to track the family down and bring the child in to verify what the problem was. Dr. Gillard spoke for the motion stating that Dr. Shaughnessy-Volquardsen had no role in the patient care and that she only reviewed the cultures from the previous day. Dr. Figge spoke against the motion noting that the recommended action was non-disciplinary.

Dr. Gillard withdrew his motion.

**MOTION: Dr. Figge moved to issue an Advisory Letter for failing to utilize additional resources in order to attempt to contact a patient with a potentially time dependent medical condition. The hospital in question should be sent a letter advising them of the system failure and to take steps to remedy that issue.**

**SECOND: Dr. Perry**

Dr. Perry commented that the hospital in question should be advised of the system failure and take steps to remedy that.

**ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Ms. Brister, Dr. Farmer, Dr. Figge, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Krahn, Dr. Paul, and Dr. Perry. The following Board members were absent: Dr. Berg and Ms. Salter.**

**VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

7. MD-12-1261A, REGINA Y. NAJERA, M.D., LIC. #37027  
**RESOLUTION: Issue an Advisory Letter for failure to perform corneal topography prior to cataract surgery and for use of a multifocal lens during cataract surgery following previous LASIK surgery. There is insufficient evidence to support disciplinary action.**

8. MD-14-1212A, GLENN K. YARBROUGH, M.D., LIC. #15963  
Board staff summarized that the MC found Dr. Yarbrough deviated from the standard of care by delaying appropriate treatment. Dr. Gillard stated that he found that the physician provided appropriate treatment in this case, and recommended dismissal. Board members noted that the patient was mostly managed by the physician's PA, and that the PA had been referred to the Arizona Regulatory Board of Physician Assistants.

**MOTION: Dr. Gillard moved for dismissal.**

**SECOND: Dr. Fromm**

**ROLL CALL VOTE:** Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Ms. Brister, Dr. Farmer, Dr. Figge, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Krahn, Dr. Paul, and Dr. Perry. The following Board members voted against the motion: Dr. Figge, Mr. Gerding, and Dr. Paul. The following Board members were absent: Dr. Berg and Ms. Salter.  
**VOTE:** 7-yay, 3-nay, 0-abstain, 0-recuse, 2-absent.  
**MOTION PASSED.**

9. MD-14-0525A, JIMMY Y. SAADE, M.D., LIC. #47766

Dr. Saade addressed the Board during the call to the public with Attorney Melissa Ho. Board members observed that the patient had refused three different scans and that the scan that was done was incomplete.

**MOTION:** Dr. Gillard moved for dismissal.

**SECOND:** Dr. Paul

**VOTE:** 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

10. MD-14-0941A, GREGG R. GLADHART, M.D., LIC. #35048

**RESOLUTION:** Issue an Advisory Letter for failure to refer a patient with hematuria to urology in a timely fashion. There is insufficient evidence to support disciplinary action.

11. MD-14-0564A, HAROLD TRIEF, M.D., LIC. #8324

**RESOLUTION:** Issue an Advisory Letter for failure to recognize acute appendicitis on CT scan. There is insufficient evidence to support disciplinary action.

12. MD-14-1650A, CHARLES E. KELLY, M.D., LIC. #42668

**RESOLUTION:** Issue an Advisory Letter for failure to report revocation of hospital privileges on his 2012 license renewal application. There is insufficient evidence to support disciplinary action.

13. MD-13-1158A, RONALD E. AREBALO, M.D., LIC. #20144

**RESOLUTION:** Issue an Advisory Letter for failure to appropriately obtain two x-ray views of the abdomen and for inadequate medical records. There is insufficient evidence to support disciplinary action.

14. MD-13-1401A, SUDHIR RANJAN, M.D., LIC. #13308

**RESOLUTION:** Issue an Advisory Letter for inadequate documentation. There is insufficient evidence to support disciplinary action.

15. MD-14-0764A, STEPHEN S. ABLE, M.D., LIC. #20277

**RESOLUTION:** Issue an Advisory Letter for failing to include bipolar disorder with possible antisocial personality disorder in the differential diagnosis and for failing to document the rationale for off-label use of medication. There is insufficient evidence to support disciplinary action.

16. MD-14-0739A, ROBIN M. FLECK, M.D., LIC. #31062

**RESOLUTION:** Dismiss.

17. MD-13-1112A, ROBIN M. FLECK, M.D., LIC. #31062

The Board considered items 16 and 17 together. Board members observed that these matters had been reviewed by five MCs in addition to four reviews submitted by Dr. Fleck's attorney. Board members expressed concern regarding finding a deviation from the standard of care when there was no agreement among the nine consultants who reviewed this matter.

**MOTION:** Dr. Fromm moved for dismissal in item numbers 16 and 17.

**SECOND:** Dr. Paul

**ROLL CALL VOTE:** Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Brister, Dr. Figge, Dr. Fromm, Mr. Gerding, Dr.

Krahn, and Dr. Paul. The following Board members voted against the motion: Ms. Bain, Dr. Farmer, Dr. Gillard and Dr. Perry. The following Board members were absent: Dr. Berg and Ms. Salter.  
VOTE: 6-yay, 4-nay, 0-abstain, 0-recuse, 2-absent.  
MOTION PASSED.

## **V. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS**

**MOTION:** Dr. Fromm moved to uphold the dismissal in item numbers 1-8, and 10-13.

**SECOND:** Dr. Paul

**VOTE:** 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

1. MD-14-0500A, ELIZABETH M. CHANG, M.D., LIC. #29582

**RESOLUTION:** Uphold the dismissal.

2. MD-14-1246A, EMMANUEL K.O. SIAW, M.D., LIC. #36040

Complainant MB addressed the Board during the call to the public.

**RESOLUTION:** Uphold the dismissal.

3. MD-14-1475A, ROBERT C. DAVIDSON, M.D., LIC. #22567

**RESOLUTION:** Uphold the dismissal.

4. MD-14-1072A, ARLO B. BRAKEL, M.D., LIC. #32307

**RESOLUTION:** Uphold the dismissal.

5. MD-14-0718A, KISHLAY ANAND, M.D., LIC. #43108

**RESOLUTION:** Uphold the dismissal.

6. MD-15-0013A, PATTI A. FLINT, M.D., LIC. #23855

**RESOLUTION:** Uphold the dismissal.

7. MD-14-1109A, RUTA V. WAKHARKAR, M.D., LIC. #23607

**RESOLUTION:** Uphold the dismissal.

8. MD-14-1180A, LORI B. MCFANN, M.D., LIC. #31792

**RESOLUTION:** Uphold the dismissal.

9. MD-14-1609A, KATHRYN A. COFFMAN, M.D., LIC. #14553

Complainant LS addressed the Board during the call to the public, along with SI and SH. Mr. Evan Coppola addressed the Board during the call to the public on behalf of Dr. Coffman. Dr. Gillard clarified for the public that the Board can only act on violations of the medical practice act and that this complaint did not fall under the Board's jurisdiction.

**MOTION:** Dr. Gillard moved to uphold the dismissal.

**SECOND:** Ms. Bain

**VOTE:** 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

10. MD-14-1302A, NEIL M. HAY-ROE, M.D., LIC. #25189

**RESOLUTION:** Uphold the dismissal.

11. MD-14-1302C, JAMES A. WILKENS, M.D., LIC. #21116

**RESOLUTION:** Uphold the dismissal.

12. MD-14-1302D, NAMI GHADIMI, M.D., LIC. #31412

**RESOLUTION:** Uphold the dismissal.

13. MD-14-1302E, HOLLY L. GEYER, M.D., LIC. #42175

**RESOLUTION:** Uphold the dismissal.

## **W. PROPOSED CONSENT AGREEMENTS (Non-Disciplinary)**

1. MD-14-0726A, GEORGE H. YARD, M.D., LIC. #3387

**MOTION:** Dr. Krahn moved to accept the proposed Consent Agreement for non-disciplinary surrender of licensure.

**SECOND:** Dr. Farmer

**VOTE:** 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

## **X. PROPOSED CONSENT AGREEMENTS (Disciplinary)**

**MOTION:** Dr. Farmer moved to accept the proposed Consent Agreement in item numbers 2-10.

**SECOND:** Dr. Paul

**ROLL CALL:** Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Ms. Brister, Dr. Farmer, Dr. Figge, Dr. Fromm, Dr. Gillard, Dr. Krahn, Dr. Paul, and Dr. Perry. The following Board members were absent: Dr. Berg, Mr. Gerding, and Ms. Salter.

**VOTE:** 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

**MOTION PASSED.**

1. MD-13-1294A, FRANCIS K. TINDALL, M.D., LIC. #14589

Dr. Gillard pulled this case for discussion. Board staff summarized that the MC who reviewed this case found that Dr. Tindall deviated from the standard of care by performing labral repair and humeral head microfracture in a patient over the age of 50 with preoperative radiographic evidence of arthritis combined with arthroscopic evidence of diffuse chondral and labral degenerative changes. Board staff noted that records showed the patient was placed in a sling and had extended immobilization after the procedure. Board staff reported that SIRC recognized Dr. Tindall's prior Board history and recommended issuing a Letter of Reprimand.

**MOTION:** Dr. Gillard moved to accept the proposed Consent Agreement for a Letter of Reprimand.

**SECOND:** Dr. Paul

**ROLL CALL VOTE:** Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Ms. Brister, Dr. Farmer, Dr. Figge, Dr. Fromm, Dr. Gillard, Dr. Krahn, Dr. Paul, and Dr. Perry. The following Board members were absent: Dr. Berg, Mr. Gerding and Ms. Salter.

**VOTE:** 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

**MOTION PASSED.**

2. MD-14-0507A, PHILIP A. GIDEON, M.D., LIC. #35544

**RESOLUTION:** Accept the proposed Consent Agreement for Two Year Probation for PHP participation. Dr. Gideon's PHP participation shall be retroactive to July 24, 2014. Once the licensee has complied with the Probation, he must affirmatively request that the Board terminate the Probation.

3. MD-14-0697A, PHILIP M. HARMON, M.D., LIC. #44519

Complainant TR addressed the Board during the call to the public.

**RESOLUTION:** Accept the proposed Consent Agreement for a Letter of Reprimand.

4. MD-14-1215A, MANUEL ABRANTE, M.D., LIC. #22262

Complainant JE addressed the Board during the call to the public.

**RESOLUTION:** Accept the proposed Consent Agreement for surrender of licensure.

5. MD-14-0342A, SUSAN J. KUDLINSKI, M.D., LIC. #25219

**RESOLUTION:** Accept the proposed Consent Agreement for a Letter of Reprimand.



6. MD-14-1068A, ROGER G. JOE, M.D., LIC. #43468  
**RESOLUTION:** Accept the proposed Consent Agreement for a Letter of Reprimand.
7. MD-15-0381A, MARK A. HOSTETLER, M.D., LIC. #40971  
**RESOLUTION:** Accept the proposed Consent Agreement for surrender of licensure.
8. MD-14-0340A, KASSANDRA KOSINSKI, M.D., LIC. #R73995  
**RESOLUTION:** Accept the proposed Consent Agreement for a Letter of Reprimand and Five Year Probation to participate in PHP. Dr. Kosinski's PHP participation shall be retroactive to August 25, 2014. Once the licensee has complied with the Probation, she must affirmatively request that the Board terminate the Probation.
9. MD-14-0651A, BRANDON Z. MASSEY, M.D., LIC. #35576  
**RESOLUTION:** Accept the proposed Consent Agreement for a Letter of Reprimand and Two Year Probation for PHP participation. Dr. Massey's PHP participation shall be retroactive to June 18, 2014. Once the licensee has complied with the Probation, he must affirmatively request that the Board terminate the Probation.
10. MD-14-1469A, LAWRENCE CRONIN, M.D., LIC. #18696  
**RESOLUTION:** Accept the proposed Consent Agreement for surrender of licensure.

## **Y. LICENSE APPLICATIONS**

### **i. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATIONS**

**MOTION:** Dr. Perry moved to grant the renewal in items 1-5 and 9.

**SECOND:** Dr. Farmer

**VOTE:** 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

1. MD-15-0255A, RICHARD D. ROSSIN, M.D., LIC. #36207  
**RESOLUTION:** Grant the license renewal.
2. MD-15-0137A, JAMES J. COONEY, M.D., LIC. #37747  
**RESOLUTION:** Grant the license renewal.
3. MD-15-0295A, NANCY M. COVINGTON, M.D., LIC. #45337  
**RESOLUTION:** Grant the license renewal.
4. MD-15-0151A, KHUSHAL D. PATIL, M.D., LIC. #40340  
**RESOLUTION:** Grant the license renewal.
5. MD-15-0139A, MANISH SAHNI, M.D., LIC. #34926  
**RESOLUTION:** Grant the license renewal.
6. MD-15-0413A, RICHARD S. TOON, M.D., LIC. #28166  
Dr. Gillard noted that another state board took action against Dr. Toon regarding his failure to notify them that he was no longer supervising a physician assistant. He also noted that Iowa and Missouri reviewed the matter and took no further action. Dr. Gillard spoke against SIRC's recommendation to issue the license with an Advisory Letter due to this matter not involving patient care.  
  
**MOTION:** Dr. Gillard moved to grant the license renewal.  
**SECOND:** Dr. Fromm  
**VOTE:** 9-yay, 1-nay, 0-abstain, 0-recuse, 2-absent.  
**MOTION PASSED.**
7. MD-15-0288A, MOHAMMAD N. KHAN, M.D., LIC. #30038

Dr. Gillard noted that Dr. Khan failed to complete the CME's during the qualifying date range and spoke in favor of granting the license renewal and issuing the recommended Advisory Letter.

**MOTION:** Dr. Gillard moved to grant the license renewal and issue an Advisory Letter for failing to complete the CMEs during the qualifying date range. There is insufficient evidence to support disciplinary action.

**SECOND:** Ms. Brister

**VOTE:** 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

8. MD-15-0152A, BRYAN A. GUNNOE, M.D., LIC. #22817

Dr. Gillard questioned whether SIRC's recommendation to issue an Advisory Letter was based on action that was taken by the Oregon Board, which was based on action that the Arizona Medical Board took against Dr. Gunnoe's license. Board staff clarified that the recommended Advisory Letter was for Dr. Gunnoe not disclosing on his renewals his participation in the Oregon Board's PHP.

**MOTION:** Dr. Gillard moved to grant the license renewal and to issue an Advisory Letter for failure to disclose his Oregon PHP participation requirement to the Arizona Medical Board on multiple renewal applications. There is insufficient evidence to support disciplinary action.

**SECOND:** Dr. Paul

**VOTE:** 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

9. MD-15-0412A, JAMES T. COURTNEY, M.D., LIC. #44219

**RESOLUTION:** Grant the license renewal.

ii. **APPROVE OR DENY LICENSE APPLICATION**

**MOTION:** Dr. Gillard moved to approve the license application in item numbers 1, 2, 3, 6, 7, 8, 9, and 11.

**SECOND:** Dr. Krahm

**VOTE:** 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

1. MD-15-0030A, JAYA K. CHADALAVADA, M.D., LIC. #N/A

Dr. Chadalavada addressed the Board during the call to the public with Attorney Peter Akmajian.

**RESOLUTION:** Approve the license application.

2. MD-13-1013A, ANDREW D. JENIS, M.D., LIC. #N/A

**RESOLUTION:** Approve the license application.

3. MD-15-0188A, STEVEN C. ZWERDLINGER, M.D., LIC. #N/A

**RESOLUTION:** Approve the license application.

4. THIS MATTER HAS BEEN REMOVED FROM THE BOARD'S AGENDA

5. MD-15-0559A, JOHN N. HOFFMAN, M.D., LIC. #N/A

The Board noted that this applicant withdrew his license application. Therefore, no Board action was taken.

6. MD-15-0551A, DOUGLAS E. COON, M.D., LIC. #N/A

**RESOLUTION:** Approve the license application.

7. MD-15-0408A, DAVID K. BEATO, M.D., LIC. #N/A

**RESOLUTION:** Approve the license application..

8. MD-15-0554A, MICHAEL L. ADIX, M.D., LIC. #N/A

**RESOLUTION: Approve the license application.**

9. MD-15-0571A, ERIC J. DYBAL, M.D., LIC. #N/A

**RESOLUTION: Approve the license application.**

10. MD-15-0612A, ANITHA GADDAM, M.D., LIC. #N/A

Board members noted that Dr. Gaddam was previously licensed in Arizona, but allowed her license to lapse. It was also noted that Dr. Gaddam practiced medicine for a short period of time while her license was expired. Board staff reported that Dr. Gaddam reapplied to the Board and has met the basic requirements for licensure.

**MOTION: Dr. Gillard moved to grant the license and to issue an Advisory Letter for practicing on an expired license for a short time.**

**SECOND: Dr. Fromm**

**VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

11. MD-15-0574A, COREY S. SCURLOCK, M.D., LIC. #N/A

**RESOLUTION: Approve the license application.**

12. MD-15-0058A, CHRISTOPHER A. MICHAELLES, LIC. #N/A

Board members noted that this was a returning matter in which the Board had requested a secondary review. Dr. Wolf opined that the underlying issue was an isolated matter and did not think there was a pattern of unprofessional conduct.

**MOTION: Dr. Gillard moved to grant the license.**

**SECOND: Mr. Gerding**

**VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

13. MD-15-0020A, MEREDITH WOODWARD MCDONALD, M.D., LIC. #N/A

Board members noted that Dr. McDonald reported prior malpractice cases, which were reviewed by the Board's CMC who found that the matters did not warrant additional quality of care review.

**MOTION: Dr. Gillard moved to grant the license.**

**SECOND: Ms. Bain**

**VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

## **OTHER BUSINESS**

### **Z. REQUEST FOR TERMINATION OF BOARD ORDER**

1. MD-14-0258A, JAMILA C. WATKINS, M.D., LIC. #48841

Board staff summarized that Dr. Watkins requested termination of her Board Order requiring her participation in PHP. The Board noted that the PHP Contractor submitted correspondence reporting Dr. Watkins' compliance with the program and supporting termination of her monitoring agreement.

**MOTION: Dr. Farmer moved to approve the request for Board Order termination.**

**SECOND: Dr. Fromm**

**ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Ms. Brister, Dr. Farmer, Dr. Figge, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Krahn, Dr. Paul, and Dr. Perry. The following Board members were absent: Dr. Berg and Ms. Salter.**

**VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

2. MD-02-0216A, ABEDON A. SAIZ, JR., M.D., LIC. #24387

Dr. Saiz spoke during the call to the public with Attorney Kimberly Kent.

Board staff presented this matter to the Board, summarizing that Dr. Saiz entered into an agreement with the Board in August of 2004 for stayed revocation, practice restriction and probation. It was noted that the Board previously terminated Dr. Saiz's probation in October 2009, and that the practice restriction remained in place.

Board members noted the statements made by Dr. Saiz during the call to the public; specifically, that he no longer plans to perform those procedures from which he was previously restricted. Board staff reported that Dr. Saiz was fully compliant with the terms of the practice restriction, and the Board noted that there have been no problems reported regarding his work.

**MOTION: Dr. Gillard moved to grant the request for Board Order termination.**

**SECOND: Dr. Fromm**

**ROLL CALL VOTE:** Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Dr. Farmer, Dr. Figge, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Krahn, Dr. Paul, and Dr. Perry. The following Board member voted against the motion: Ms. Brister. The following Board members were absent: Dr. Berg and Ms. Salter.

**VOTE: 9-yay, 1-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

## **AA. STAFF REQUEST FOR FURTHER ACTION**

### **1. MD-15-0277A, ROBERT J. MONDSCHN, M.D., LIC. #32344**

Board staff summarized that this matter stemmed from a complaint filed concerning Dr. Mondschein's performance of an outpatient surgical procedure involving liposuction. The case was reviewed by an Outside Medical Consultant who authored a rather scathing report identifying a number of violations relating to the physician's practice.

The matter was agendized for the Board's consideration of Dr. Mondschein's request to terminate the Interim Practice Restriction while the Board continues its investigation. The Board's PHP Contractor stated that Dr. Mondschein was fit to return to practice while participating in PHP. The PHP Contractor stated that he was unable to comment on the type of medical practice that Dr. Mondschein could engage in, and that his recommendation concerning fitness to practice is based solely from a psychiatric perspective related to his substance abuse diagnosis.

Board members noted that Dr. Mondschein was found to have both physical health and psychiatric issues. Dr. Farmer spoke against granting the request to lift the Interim Practice Restriction.

**MOTION: Dr. Farmer moved to deny the physician's request for termination of the Interim Practice Restriction.**

**SECOND: Ms. Bain**

**ROLL CALL VOTE:** Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Ms. Brister, Dr. Farmer, Dr. Figge, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Krahn, Dr. Paul, and Dr. Perry. The following Board members were absent: Dr. Berg and Ms. Salter.

**VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

The Board discussed whether a competency evaluation was warranted to assist the Board in determining whether it would be appropriate to lift the Interim Practice Restriction in the future. Dr. Perry directed Board staff to invite Dr. Mondschein to appear before the Board for a Formal Interview at the conclusion of the Board's investigation. He stated that in the interim, it would be appropriate to have Dr. Mondschein undergo an evaluation.

## **BB. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING BOARD ORDER**

1. MD-13-1266A, ROBERT J. MONDSCHNEIN, M.D., LIC. #32344

Board staff summarized that Dr. Mondschein entered into an Interim Consent Agreement for practice restriction for health reasons. It was requested that the Board replace the hormone replacement therapist requirement with a Board-approved endocrinologist. Board members were informed that Dr. Mondschein had utilized the assistance from an ophthalmologist to provide the required hormone replacement therapy; however, that physician was later found to have been disciplined previously by the Board. Dr. Perry stated it is imperative that the Board require the hormone replacement therapy to be provided by a Board-approved specialist.

**MOTION:** Dr. Farmer moved to accept the amended Consent Agreement for a Letter of Reprimand and Five Year Probation to participate in PHP. Dr. Mondschein's PHP participation shall be retroactive to March 4, 2014. Dr. Mondschein shall complete a Board approved professional boundaries course within 90 days of the date of the Order. Dr. Mondschein shall immediately obtain a treating psychiatrist, psychotherapist, and hormone management physician approved by the PHP Contractor; after twelve months, the physician may request to the PHP Contractor that this requirement be terminated. Once the licensee has complied with the Probation, he must affirmatively request that the Board terminate the Probation.

**SECOND:** Dr. Gillard

**ROLL CALL VOTE:** Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Ms. Brister, Dr. Farmer, Dr. Figge, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Krahn, Dr. Paul, and Dr. Perry. The following Board members were absent: Dr. Berg and Ms. Salter.

**VOTE:** 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

**CC. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING  
RECOMMENDED REFERRAL TO FORMAL HEARING**

1. THIS MATTER WAS MOVED TO ITEM X, 10

The meeting adjourned at 6:44 p.m.



*Patricia E. McSorley*  
Patricia E. McSorley, Executive Director